

REMARKS

Claims 35, 37-40, 42-45, 47-50 and 52-64 are pending in the application.

Claims 35, 37-40, 42-45, 47-50 and 52-64 have been rejected.

Claims 35, 40, 45, 50 and 55 have been amended, as set forth herein.

I. DOUBLE PATENTING REJECTION

Claims 35, 37-40, 42-45, 47-50 and 52-63 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 67, 74 and 84 of copending Application No. 2005/0008003 (hereinafter referred to as "Ramey '8003") in view of U.S. Patent No. 5,945,989 to Freishtat et al. Applicants submit the claim amendments made herein or in Ramey '8003 may render the double patenting rejection moot. Accordingly, Applicants reserve the right to dispute the rejection or file a terminal disclaimer in future Office Action responses.

II. REJECTION UNDER 35 U.S.C. § 102

Claims 35, 38-40, 43-45, 48-50 and 53-64 were rejected under 35 U.S.C. § 102(e) as being anticipated by Dulman (U.S. Patent No. 5,915,008). The rejection is respectfully traversed.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Independent Claim 35

The Office Action rejection of independent Claim 35 points to Dulman's access server 48 as meeting Applicant's claimed "call server system" and Dulman's customer premises equipment (CPE) server 16 (with GUI-based access) as meeting Applicant's claimed "web application". Office Action, page 4. Dulman's access server 48 is described as enabling the programmable AIN elements

of the AIN network, such as the ISCP 50, SCP 52, SPACE 54, MOC 56, Billing/Data Collector 58, SMS 60 and Intelligent Peripheral (IP) 52. Dulman, Col. 13, lines 5-12.

Independent Claim 35 (as well as independent Claims 40, 45, 50 and 55) have been amended to clarify and more particularly point out Applicant's claimed invention, and now recite that the call server system includes a private branch exchange (PBX) and a call server for controlling telephony calls and telephony services. Dulman's access server 48 does not appear to include a PBX and a call server. Dulman, Col. 12, line 35 through Col. 14, line 27. Dulman's CPE 16 transmits service requests and transaction data to the access server 48 which, in turn, generates AIN messages and translated transaction data, respectively, for use by the AIN elements. Dulman, Col. 13, line 13 through Col. 16, line 31. Thus, it does not appear that Dulman's access server 48 – which the Office Action has interpreted as Applicant's call server system – includes a PBX.¹

Therefore, Dulman fails to disclose identically each and every element recited in independent Claim 35. Accordingly, the Applicants respectfully request the Examiner withdraw the § 102(e) rejection of independent Claim 35 and its dependent claims.

Independent Claims 40, 45 and 50

The Office Action rejects independent Claims 40, 45 and 50 using the same rationale as the rejection of independent Claim 35. Accordingly, independent Claims 40, 45 and 50 (and their respective dependent claims) are allowable for at least the same reasons as set forth above responding to the rejection of Claim 35.

Accordingly, Applicants respectfully request the Examiner withdraw the § 102(e) rejection of independent Claims 40, 45 and 50 and their dependent claims.

¹ Though the Office may be tempted to respond to Applicant's claim amendments and arguments by re-interpreting which elements in Dulman meet the "call server system" and "web application" by arguing that the CPE 16 is now Applicant's "caller server system" and the AIN elements or access server 48 is now Applicant's "web application," this reasoning would be flawed. Dulman's access server 48 does not appear to translate any commands from the "web application" (in a web application format) to the "call server system" (to the call server system format). It merely transmits its own messages directly to the CPE 16. Dulman, Col. 16, line 48 through Col. 17, line 10.

Independent Claim 55

The Office Action rejects independent Claims 55 using a similar rationale as the rejection of independent Claim 35. Accordingly, independent Claim 55 (and its respective dependent claims) are allowable for at least the same reasons as set forth above responding to the rejection of Claim 35.

Accordingly, Applicants respectfully request the Examiner withdraw the § 102(e) rejection of independent Claim 55 and its dependent claims.

III. REJECTION UNDER 35 U.S.C. § 103

Claims 37, 42, 47 and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dulman (U.S. Patent No. 5,915,008) in view of Krishnaswamy (U.S. Patent No. 5,867,494). The rejection is respectfully traversed.

These claims depend from independent Claims 35, 40, 45 or 50, respectively. These claims are allowable for at least the same reasons set forth above regarding the independent claims from which they depend.

IV. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Nortel Networks Deposit Account No. 14-1315.

Respectfully submitted,

MUNCK CARTER, LLP

Date: 3/5/2009



Robert D. McCutcheon
Registration No. 38,717

P.O. Drawer 800889
Dallas, Texas 75380
(972) 628-3632 (direct dial)
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: *rmccutcheon@munckcarter.com*